

Amendments to the Drawings:

The attached sheets of drawings includes changes to Fig. 5 and to Fig. 7. These sheets, 2/8 and 3/8, replace the original sheets including Figs. 4-5, and Figs. 6-7, respectively. In Figure 5, previously omitted element 106 (found on page, 6, line 30) has been added. In Figure 7, reference character 704 has been deleted.

REMARKS/ARGUMENTS

The Office Action objected to the drawings because: (a) the reference sign “106” found on page 6, line 30 in regard to Fig. 5 was missing from the figure; and, (b) the reference character “704” in Fig. 7 was not mentioned in the description. In amended Fig. 5, the previously omitted element numeral “106” has been added, and in amended Fig. 7, the reference character “704” has been deleted.

The Office Action also rejected claim 13 under 35 U.S.C. §112, second paragraph, and claims 1-16 on various grounds under 35 U.S.C. §102 or §103.

By the present Amendment, applicants have amended independent claim 1 to further distinguish the present invention from the cited art. Applicants have also amended dependent claims 2, 5, 6, 13, 14, and 15 to further clarify the claim language. Applicants have deleted original independent claim 16 and also added new independent claim 17.

More particularly, claim 1 has been amended to more clearly define the structure and to distinguish over Prakash et al (US Pub.No. 2003/0088242 A1) and Carl et al. (US Pat. No. 6,047,216) The original term “dielectric member” in claim 1 in fact referred to the tip and not to the dielectric between the conductors of the coax cable. To avoid ambiguity, applicants have amended the term to “dielectric tip member”. Claim 1 has also been amended to include the feature that the ferrule 106 comprises a distal part (the right hand end in Fig 5) which extends into and is surrounded by the proximal part 204 of the dielectric tip 112.

In Prakash the tip is metal and is electrically connected to the centre conductor of the cable in all embodiments. The part 40/62/86/104 is a joining member which cannot be made of metal since it would otherwise short the inner and outer conductors together and would also

electrically connect the tip to the outer part of the shaft. The present invention is therefore distinguished over Prakash by at least the features that the ferrule is metal and by the feature that the tip is dielectric material.

In Carl the part 318 is a choke which is provided on the external part of the applicator. In the present invention, the distal part (the right hand end in Fig 5) of the ferrule 106 acts as one of the poles of a dipole radiator, the other pole being formed by the (unshielded) distal end of the centre conductor 124 inside the tip 112.

The Office Action states that Carl discloses a ferrule which he identifies as item 318 in figure 3. In actual fact, this is not a ferrule but a surface wave attenuator designed to stop current flow back along the applicator. This is clearly identified in a parent patent which gives greater detail of the applicator (US5904709). This document states: "Surface wave attenuator 716 (318 above) reduces current flowing back along the outside surface of the catheter". Item 318 therefore is not a ferrule and was never proposed as one.

However, in order to further structurally distinguish claim 1 from the prior art, claim 1 has been amended to include the feature that the ferrule 106 comprises a distal part (the right hand end in Fig 5) which extends into and is surrounded by the proximal part 204 of the dielectric tip 112. As stated above this part acts as one of the poles of the dipole and is covered by the proximal end of the dielectric so that the body tissue is not in direct contact therewith, thereby avoiding shorting and intense burning. In Carl it's the opposite, the choke is deliberately left uncoated so that currents in the surface will be attenuated before they can propagate off down the shaft. For at least this reason it is submitted that claim 1 is distinguished over Carl. Prakash also fails to disclose this feature since the distal part of item 104 in Fig 6 which the

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Office Action says is a metal ferrule (and in fact must be made from an insulating material as stated above) is covered by a metal tip and not a dielectric material. The part 104 is not intended to radiate and indeed cannot do so.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

EUGENE M. CUMMINGS, P.C.

By: 

David Lesht, Reg. No. 30,472
One North Wacker Drive
Suite 4130
Chicago, Illinois 60606
Telephone: (312) 984-0144
Facsimile: (312) 984-0146

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